

RESPONSE REMARKS

CLAIM REJECTIONS UNDER §103(a)

In the Office Action, Claims 1-3, 6-9 and 11-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gawlik et al. (U.S. Patent No. 4,807,837; "Gawlik") in view of Eidem (U.S. Patent No. 4,832,294; "Eidem"). The Office Action stated that "Claims 1-3, 8 and 16 differ from Gawlik in disclosing a tubing retraction device," but cited element 60 of Eidem's FIG. 1 as disclosing a tubing retraction device for engaging tubing for administering medical fluids. Office Action, Topic No. 3.

CLAIM REJECTIONS UNDER §102(b)

In the Office Action, Claims 4, 5 and 10 were rejected under 35 U.S.C. §102(b) as being anticipated by Gawlik. The Office Action cited Gawlik as disclosing a tubing retraction device for engaging tubing for administering medical fluids and a spring-loaded telescoping pole.

RESPONSIVE REMARKS REGARDING CLAIM REJECTIONS UNDER §103(a)

The rejection of the Claims has been carefully considered. Claims 1, 8-10 and 16 have been amended to more distinctly claim the claimed invention.

As compared to the Examiner's citation of element 60 of Eidem's FIG. 1 as disclosing a tubing retraction device for engaging tubing for administering medical fluids, it is respectfully submitted that element 60 of Eidem's FIG. 1 is merely intravenous ("IV") tubing, not a device for retracting such tubing. Specifically, Eidem describes element 60 of Eidem's FIG. 1 as an "I.V. line 60." Eidem, col. 3, line 68.

As compared to mere tubing, amendments to, for example, Claim 1, more distinctly recite:

a tubing extension-retraction device for engaging tubing for administering transport of medical fluids, the tubing extension-retraction device being adapted for engaging a portion of medical fluid tubing, the tubing extension-retraction device being adapted for extension and retraction of the portion of medical fluid tubing.

See also, amendments to Claim 8.

Similarly, amendments to Claim 9 more distinctly recite:

a tube-winding device, the tube-winding device comprising a tube-engaging means for engaging a portion of medical fluid tubing, the tube-winding device further comprising a winding means for extending and retracting the portion of medical fluid tubing ...

See also, amendments to Claim 16.

It is respectfully submitted that none of the references of record, whether considered alone or in combination, disclose, anticipate, teach or suggest the above-cited limitations of a tubing extension-retraction device or tube-winding device adapted for extension and retraction of a portion of medical fluid tubing. Rather, as compared to a tubing extension-retraction device or tube-winding device adapted for extension and retraction of a portion of medical fluid tubing as recited in one way or another in amended independent Claims 1, 8, 9 and 16, FIG. 1 of Eidem depicts, next to element 34 of Eidem, a cumbersome looping of tubing. It is respectfully submitted that the looping of tubing shown in Eidem must be done by a human as compared to a tubing extension-retraction device or tube-winding device that is adapted for extension and retraction of a portion of medical fluid tubing as recited in one way or another in amended independent Claims 1, 8, 9 and 16.

As compared to the cited references, it is respectfully asserted that various embodiments of a medical fluid administration device, or a medical fluid administration device carrying apparatus, as the case may be, according to the amended Claims of the present application may be useful in that:

Providing tube-winding/retraction device 8 would allow a patient to adjust the length of the IV tubing 9 to suit the patient's needs. For example, the IV tubing 9 could be retracted to a short length when the patient is carrying the carrying case 12 with the telescoping pole 3 in a collapsed state, such as is depicted, e.g., in FIG. 2. When the patient is sitting with, e.g., the carrying case 12 on the ground and extends telescoping pole 3, ... the IV tubing 9 could be extended.

Specification, page 12, lines 2-9.

Further, it is respectfully submitted that none of the cited references disclose, anticipate, teach or suggest a carrying case such as more distinctly claimed in amended independent Claims 8, 9, and 16.

Yet further, it is respectfully submitted that none of the cited references disclose, anticipate, teach or suggest the limitations of Claim 8 of "...a plurality of telescoping poles mounted to *an exterior bottom* of the carrying case; [and] a stationary pole mounted to an interior floor of the carrying case, said stationary pole comprising a means for suspending a medical fluid container ..." (emphasis added). See, e.g., FIG. 5 of the present application; see also, Specification, p. 14, line 18 - p. 15, line 6.

Further still, it is respectfully submitted that none of the cited references disclose, anticipate, teach or suggest the limitations recited by Claim 9 of "... a collapsible stand disposed *within the carrying case*, said collapsible stand capable of being extended during stationary use ..." (emphasis added). See, e.g., FIGS. 1 and 2 of the present application.

Because, for the reasons described above, it is respectfully submitted that the cited references do not disclose, anticipate, teach or suggest all of the limitations of amended independent Claims 1, 8, 9 and 16, it is therefore respectfully submitted that the cited references do not disclose, anticipate, teach or suggest all of the limitations of the Claims that are dependent on those amended independent Claims.

RESPONSIVE REMARKS REGARDING CLAIM REJECTIONS UNDER §102(b)

Because Claims 4, 5, and 10 are dependent on Claims that were rejected under section 103(a) as described above, the rejections of Claims 4, 5 and 10 are taken as rejections under section 103(a). Because, for the reasons described above, it is respectfully submitted that the cited references do not disclose, anticipate, teach or suggest all of the limitations of the amended independent claims on which Claims 4, 5 and 10 depend, it is therefore respectfully submitted that the cited references do not disclose, anticipate, teach or suggest all of the limitations of dependent Claims 4, 5 and 10.

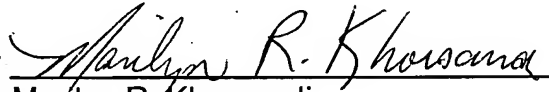
CONCLUSION

In view of the foregoing amendments, and for the foregoing reasons, it is respectfully submitted that the invention disclosed and claimed in the amended Claims of the present amended application is not fairly taught by any of the references of

record, taken either alone or in combination, and that the application is in condition for allowance. Accordingly, Applicant respectfully requests reconsideration and allowance of the amended application.

Respectfully submitted,

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